

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARYL COOK,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	CIVIL ACTION
Defendants.	:	NO. 17-0331
	:	

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of Plaintiff's Motion for Default Judgment or Extraordinary Relief, and the response thereto, it is hereby **ORDERED** that Plaintiff's Motion is **DENIED**.

SO ORDERED:

Robreno, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARYL COOK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	CIVIL ACTION
Defendants.	:	NO. 17-0331
	:	

**DEFENDANT’S OPPOSITION TO PLAINTIFF’S MOTION FOR DEFAULT
JUDGEMNT OR EXTRAORDINARY RELIEF**

Defendant, Amanda Shoffel, Esq. (“Defendants”), through her attorney, Meghan E. Claiborne, Esq., hereby file this Opposition to Plaintiff’s For Default Judgment or Extraordinary Relief.

On April 4, 2018, Defendant filed a motion for summary judgment as to all remaining claims in this case (“Motion for Summary Judgment”). Dkt. 5. Plaintiff responded on December 27, 2018. Dkt. 60. The Motion for Summary Judgment remains pending.

A telephone conference was held on March 26, 2019. Dkt. 63. Subsequently, the Court issued a rule to show cause as to why Plaintiff’s claims should not be dismissed for either lack of subject matter jurisdiction under *Rooker-Feldman* or for being precluded by *res judicata* or collateral estoppel. Dkt. 64.

Defendant filed an answer to the rule to show cause on May 17, 2019 (“Answer”). Dkt. 67. A copy of the Answer was served on Plaintiff that day. *See* Dkt. 69. Following receipt of several phone calls from Plaintiff that he had not yet received a copy of the filing, a second copy of the Answer was served on Plaintiff on May 30, 2019.

On June 24, 2019, Plaintiff filed a motion for default judgment or extra-ordinary relief on the grounds that Defendant had not yet served a copy of the Answer. Dkt. 72.

Plaintiff filed a response to the rule to show cause on June 26, 2019. Dkt. 73.

Defendant has twice served Plaintiff with the Answer at the appropriate address. As such, Defendant requests the Court deny Plaintiff's motion.

Date: June 27, 2019

Respectfully submitted,

/s/ Meghan E. Claiborne
Meghan E. Claiborne, Esquire
Deputy City Solicitor
Pa. Attorney ID No. 315918
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
(215) 683-5447
meghan.claiborne@phila.gov

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Defendants.	:	NO. 17-0331
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CERTIFICATE OF SERVICE

I hereby certify that the Opposition to Plaintiff's Motion for Default Judgment or Extraordinary Relief has been filed on ECF and is available for viewing and downloading.

In addition, I certify that I have caused a copy to be served via first class mail on the following:

Daryl Cook
JR-8653
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866
Pro Se Plaintiff

Date: June 27, 2019

/s/ Meghan E. Claiborne

Meghan E. Claiborne
Deputy City Solicitor